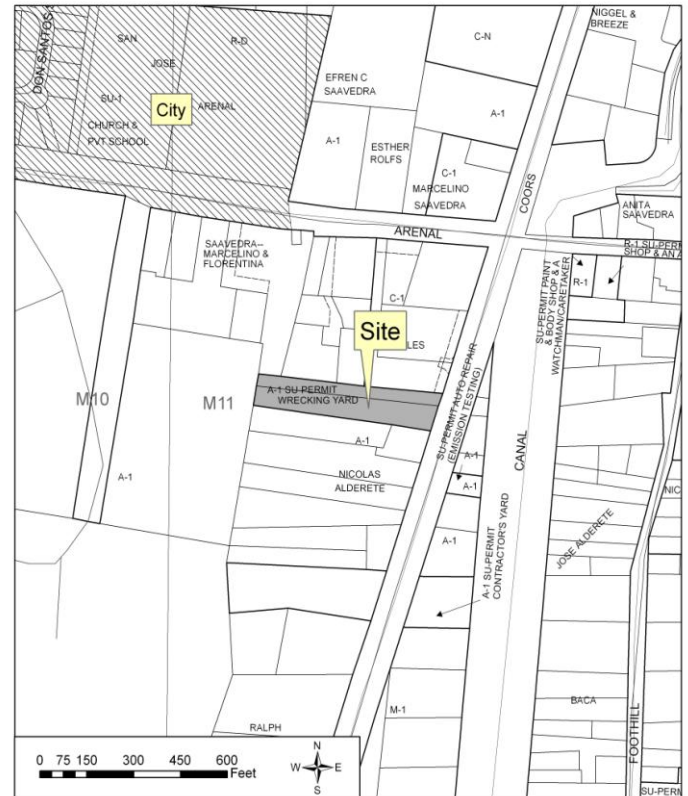




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CSU-77-33
August 4, 2010

Recommendation: Cancellation



Staff Contact: Enrico Gradi, Program Planner

Attachments:

1. Notice of Special Use Permit (November 17, 1977)
2. Approved site plan (November 17, 1977)
3. Notice of violation (December 3, 2008)
4. Notice of violation (January 13, 2009)
5. Notice of intent to cancel SUP (April 27, 2010)
6. Zone Atlas Page

CSU-77-33 Zoning, Building, Planning & Environmental Health Department requests cancellation of a Special Use Permit for a Wrecking Yard on Tracts 140A1, 140A2, and southerly portion of Tract 140A, MRGCD Map #43, located at 1905 Coors Boulevard SW, zoned A-1, and containing approximately 1.94 acres. (M-11)

AREA CHARACTERISTICS & ZONING HISTORY
Surrounding Zoning & Land Uses

	Zoning	Land use
Site	A-1 with a Special Use Permit for a Wrecking Yard	Auto Salvage
North	A-1 and C-1	Commercial and Residential Uses
South	A-1	Residential Uses
East	A-1	Coors Boulevard/Residential Uses
West	A-1	Vacant

BACKGROUND

Special Use Permit History & Overview

On November 17, 1977 the Board of County Commissioners authorized a Special Use Permit for a Wrecking Yard. The Special Use Permit was approved for the life of the use. The Special Use Permit was subject to the condition that it met the requirement of the approved site plan. These conditions include the requirement of screening surrounding the site. In addition, the property owner is required to apply for an amendment to the existing Special Use Permit that would allow legitimizes the current expansion of the site to Lot G and 140 B1. These lots are located immediately south of the subject site and are part of the wrecking yard operation without formal approval.

Subject Site & Surrounding Properties

The property is situated on the west side of Coors Boulevard and extends west approximately 600 feet. The north side of the site contains both residential and commercial property. The site to the south contains auto salvage which is not approved but is part of the existing wrecking yard business. The area west of the subject site is zoned and is largely vacant.

APPLICABLE REGULATIONS & POLICIES

Comprehensive Zoning Ordinance of Bernalillo County

Section 18. Special Use Permit Regulations.

H. Violation of the approved development plan or any condition imposed by the Board of County Commissioners in approving an application filed under this section shall constitute a violation of this ordinance and shall be subject the permit to cancellation pursuant to this section.

1. Procedures for Cancellation:

- (a) The Zoning Administrator or his designee has the duty of routinely inspecting the Special Use Permit to insure compliance with the approved development plan and conditions imposed by the Board of County Commissioners.
- (b) If the Zoning Administrator or his designee shall find that any of the conditions of the approved development plan or the conditions imposed by the Board of County Commissioners have not been complied with, they shall notify in writing, the owner, tenant, agent, occupant, or person in charge of the premises, indicating the nature of the violation and ordering its correction within 30 days.
- (c) In an event that a violation of the approved development plan or conditions imposed by the Board of County Commissioners continues, the Zoning Administrator or his designee may institute the appropriate action to cancel the Special Use Permit pursuant to this section of proceed against the owner, tenant, agent, occupant, or person in charge of the premises, pursuant to the Penalty section of this Ordinance.
- (d) Any violation o the approved development plan or conditions imposed by the Board of County Commissioners that continues for a period of 30 days after notification by certified mail receipt return requested shall subject the Special Use Permit to cancellation pursuant to the process outlined under Section 18.E.,
- (e) Subsections 1, 2, and 3. In the event that the Special Use Permit is cancelled, all references to said Special Use Permit shall be removed from the official zoned maps by the County Planning Department.

2. In the event a use authorized by a Special Use Permit is not established within 12 months of the date of approval or is discontinued for a period of 12 months, the County Planning Department shall send notification by certified mail return receipt requested requiring the property owner, tenant, agent, occupant, or person in charge of the premises to state in writing within 30 days his or her intention to establish or continue said permit. If the property owner, tenant, agent, occupant, or person in charge of the premises does not declare in writing his or her intention to establish or continue said permit, then authorization or approval may be cancelled and relevant documents, if any, shall be removed from the official zone maps by the County Planning Department.

ANALYSIS

This site is located on 1905 Coors Boulevard approximately 500 feet south of Arenal Road. The site is located in an area that contains a mix of residential and commercial uses, most of the commercial uses face Coors Boulevard, however some extend back into the residential areas.

This cancellation is a result of continued violations of the Special Use Permit (CSU-77-33) and the corresponding site development plan approved for the permit. Specifically, the encroachment of the site on two lots immediately south of the subject site. There are also some issues regarding the repair of fencing on the site and several structures that currently on the site that are not indicated on the approved site plan.

The Bernalillo County Planning Department has notified the property owner, via registered letter, of noncompliance with the provisions of the Special Use Permit on April 27, 2010, as described in Section 18.H. of the Comprehensive Zoning Ordinance of Bernalillo County. In addition, letters have been sent to the applicant on January 13, 2009 and December 3, 2008 informing of the procedures required to address this issue. The agent representing the estate has recently contacted the planning office to discuss potential options to address this case.

Proposed Findings for Cancellation

1. This is a request for the cancellation of a Special Use Permit for a Wrecking Yard on Tracts 140A1, 140A2, and southerly portion of Tract 140A, MRGCD Map #43, located at 1905 Coors Boulevard SW, zoned A-1, and containing approximately 1.94 acres
2. This matter is a result of continued violations of the Special Use Permit (CSU-77-33) and the corresponding site development plan approved for the permit. Specifically, the requirement that screening be provided around the site.
3. The Bernalillo County Planning Department notified the property owner of noncompliance with the provisions of the Special Use Permit on April; 27, 2010, as described in Section 18.H. of the Comprehensive Zoning Ordinance of Bernalillo County. The property owner failed to respond to each letter.
4. This decision removes the Special Use Permit (CSU-77-33) from the property, and reverts the zoning on the site back to the underlying zoning designation of A-1.

RECOMMENDATION:

Cancellation of CSU-77-33.

Enrico Gradi
Program Planner